



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 6, 1993

Mr. Oscar G. Trevino
Walsh, Anderson, Underwood, Schulze
and Aldridge, P. C.
Attorneys at Law
6300 La Calma, Suite 200
Austin, Texas 78752

OR93-431

Dear Mr. Treviño:

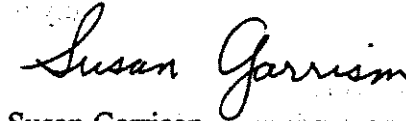
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20270.

As attorney for the Lytle Independent School District ("the district"), you received an open records request for "copies of your notes of conversations with the staff members of [the district]" that were made during an investigation of sexual harassment and other allegations. You contend that the request does not comport with the requirements of the Open Records Act in that the request was made to you as counsel for the district rather than to the district itself. See V.T.C.S. art. 6252-17a, §§ 4, 5(a). In the alternative, you contend that the district may withhold the requested information pursuant to section 3(a)(3) of the Open Records Act.

To secure the protection of section 3(a)(3), a governmental body must demonstrate that requested information "relates" to pending or reasonably anticipated litigation. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information relates to reasonably anticipated litigation. Consequently, with regard to this particular request, this office need not determine whether the request was properly addressed to you rather than the district: the district may withhold the requested records in either case.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/jmn

Ref.: ID# 20270

Enclosures: Submitted documents

cc: Mr. Richard Arnett
Brim and Arnett
114 West 7th Street, Suite 100
Austin, Texas 78701-3005
(w/o enclosures)